

Serial No. 07/870,337

3  
C  
could

sending a transfer indication which commands said second base station to begin communicating with said mobile station from said first base station to said second base station;

after receiving said indication, transmitting a second traffic signal on said first frequency from said second base station to said mobile station using a waveform encoded with [a] said third code; and

receiving at said mobile station said signals transmitted on said first frequency from said first and second base stations and decoding these signals using said first, second and third codes to obtain a first demodulated traffic signal, a decoded control message and a second demodulated traffic signal, respectively.

---

#### REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-15 are currently pending.

Claims 1-6 and 9-13 were rejected under 35 U.S.C. § 112, second paragraph, as alleged being indefinite for failing to particularly point and distinctly claim the subject matter set forth therein. By way of the foregoing amendments, each of the concerns raised by the Examiner in the Office Action have been addressed, with the exception that the phrases "first traffic signal" and "second traffic signal" have not been further described since they are believed to be sufficiently definite under the statute. These phrases relate to the traffic signals, e.g., data signals used in communication, sent from each of the first and second base stations, respectively.

Accordingly, it is respectfully requested that the rejection of these claims under 35 U.S.C. § 112, second paragraph, be reconsidered and withdrawn.

Claims 7-9, 14 and 15 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Blakeney, II et al (U.S. Patent No. 5,267,261). Before discussing this ground of rejection, a brief summary of Applicants' novel communication systems is provided in order to highlight some of the advantageous characteristics thereof.

According to exemplary embodiments of the present invention, different codes are used for each of a plurality of diversity transmissions in a CDMA communication system so that an originally connected base station need not transmit an allocated code to other base stations which are also about to begin transmitting to a mobile station. This problem is found in conventional macrodiversity systems in which a signal is transmitted from plural base stations by encoding and modulating the information in using the same code as that used for the original signal, but with a relative delay in the code of one or more chips or bits. According to the present invention, by using different codes this becomes unnecessary and takes advantage of the fact that CDMA mobile receivers are able to simultaneously receive and decode both a first signal coded in the original manner and a diversity coded signal.

The Blakeney, II et al document is an excellent example of the conventional system described, for example, on page 4 of the present specification. As described in column 6 of the Blakeney patent, the pilot signal transmitted by each base station uses the same PN spreading code but with a different code phase offset. As described therein, this means that when using, for example, a PN code length of  $2^{15}$ , there are 511 different

Serial No. 07/870,337

code phase offsets (in increments of 64 PN chips). It is this phase offset which allows the pilot signals, as well as other signals, to be distinguished from one another by the mobile station.

Accordingly, since the Blakeney patent discloses transmission from different base stations using the same code (albeit with a phase offset) rather than Applicants' claimed combinations which include, among other features, signals from base stations using different codes, it is respectfully submitted that the Blakeney patent cannot anticipate Applicants' claimed combinations. Thus, it is respectfully requested that the rejection of claims 7-9, 14 and 15 under 35 U.S.C. § 102(e) over Blakeney, II et al be reconsidered and withdrawn.

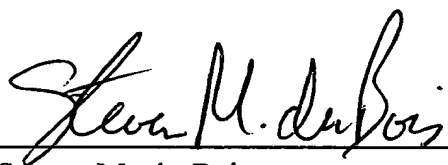
Claims 1-6 and 10-13 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Blakeney, II et al. However, as described above, Applicants' claimed combinations include, among other features, the use of first and second codes which are different from one another by the transmitting base stations. Since Blakeney clearly teaches that the same code is to be used by transmitting base stations with a phase offset, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to arrive at Applicants' claimed combinations based upon the teachings of Blakeney. Accordingly, it is respectfully requested that the rejection of these claims under 35 U.S.C. § 103 over Blakeney be reconsidered and withdrawn.

Serial No. 07/870,337

All of the objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, he is urged to contact the undersigned at (703) 838-6642.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS

By:   
Steven M. du Bois  
Registration No. 35,023

Post Office Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: August 10, 1994